



Court File No.: 08-CV-347100CP

ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE  
JUSTICE PERELL

) WEDNESDAY, THE 23RD  
)  
) DAY OF MAY, 2012

B E T W E E N:

LISA CAVANAUGH, ANDREW HALE-BYRNE,  
RICHARD VAN DUSEN, MARGARET GRANGER and TIM BLACKLOCK

Plaintiffs

- and -

GRENVILLE CHRISTIAN COLLEGE, THE INCORPORATED SYNOD OF THE DIOCESE  
OF ONTARIO, CHARLES FARNSWORTH, BETTY FARNSWORTH,  
J. ALASTAIR HAIG and MARY HAIG

Defendants

A Proceeding instituted pursuant to the *Class Proceedings Act, 1992*, S.O. 1992, c.6

**O R D E R**

THIS MOTION, made by the Plaintiffs for an Order as follows was heard on April 30  
and May 1, 2012 at Toronto, Ontario:

1. Certifying this action as a Class Proceeding with respect to the common issues of fact and law pursuant to the *Class Proceedings Act, 1992*, S.O. 1992, c.6;
2. Defining the Plaintiff Class as follows:
  - (a) **Student Class:** Students who attended and resided at the Grenville Christian College between September, 1973 and July 1997, excepting the children and grandchildren of the individual Defendants;

3. Appointing Lisa Cavanaugh, Andrew Hale-Byrne, Richard Van Dusen, Margaret Granger and Timothy Blacklock as the Representative Plaintiffs of the Student Class;

4. Directing that this action will proceed on the basis of the following common issues:

- (i) Did the Defendants owe a duty of care to the Plaintiff Class?
- (ii) Did the Defendants breach their duty of care owed to the Plaintiff Class?
- (iii) Did the Defendants owe fiduciary obligations to the Plaintiff Class?
- (iv) Did the Defendants breach their fiduciary obligations to the Plaintiff Class?
- (v) Are the corporate Defendants vicariously liable for the conduct of the individual Defendants and staff of the Grenville Christian College?
- (vi) Does the conduct of the Defendants merit an award of punitive damages?

5. Approving the Litigation Plan attached as Schedule "A" to the Notice of Motion as a workable method of advancing the proceeding of the Plaintiff Class and of notifying the Class members of the proceeding; and

6. Granting their costs of this motion on a substantial indemnity basis.

ON READING the Motion Records, Supplementary Motion Records, Facta and Books of Authorities of all parties and on hearing the submissions of the lawyers for the said parties,

1. THIS COURT ORDERS that this action be immediately dismissed against the Defendant, The Incorporated Synod of the Diocese of Ontario.

2. THIS COURT ORDERS that the motion for certification be dismissed with the dismissal to take effect six months from the release of the Reasons for Decision.
3. THIS COURT ORDERS that the Plaintiffs may apply for an Order under s. 7 of the *Class Proceedings Act, 1992*, to have the action continue as one or more proceedings with additional parties.
4. THIS COURT ORDERS that, if the parties cannot resolve the matter of costs, they may make submissions in writing beginning with the Defendants' submissions within 30 days of the date of this Order to be followed by the Plaintiffs' submissions within a further 30 days.

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

*Penel, J*

JUL 18 2012

AS DOCUMENT NO.:  
À TITRE DE DOCUMENT NO.:  
PER / PAR:

*[Signature]*

LISA CAVANAUGH et al  
-and- Plaintiffs

-and- GRENVILLE CHRISTIAN COLLEGE et al  
Defendants

Court File No. 08-CV-347100CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**PROCEEDING COMMENCED AT TORONTO**

**ORDER**

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